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FILED

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UNITED STATES MAGISTRATE JUDGE
 DISTRICT OF NEVADA
 BY _____ DEPUTY

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6 **UNITED STATES DISTRICT COURT**
 7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,
 9 Plaintiff,

10 v.

11 HOSAM SAAD AL-BADERI,
 VICTOR MANUEL COLINDRES HERNANDEZ,
 12 and
 SOHA ALJENABI,

13 Defendants.

} CRIMINAL INDICTMENT

2:12-CR- 383

21 U.S.C §§ 841(a)(1) and (b)(1)(C) -
 Possession with Intent to Distribute One
 Kilogram and More of a Controlled
 Substance (Count One)

21 U.S.C. §§ 802(32), 813, 841(a)(1) and
 841(b)(1)(C) - Possession with Intent to
 Distribute a Controlled Substance
 Analogue(Counts Two and Three)

21 U.S.C § 856(a)(1) -- Maintaining a Drug-
 Involved Premises (Counts Four to Six)

18 U.S.C § 1957 -- Money Laundering
 (Count Seven)

31 U.S.C § 5324(a)(1) - Structuring
 (Counts Eight and Nine)

18 U.S.C § 2 – Aiding and Abetting
 (Counts One to Nine)

21 **THE GRAND JURY CHARGES THAT:**

22 **COUNT ONE**

23 (Possession with Intent to Distribute One Kilogram and More of a Controlled Substance)

24 On or about April 12, 2012, in the State and District of Nevada,

25 **HOSAM SAAD AL-BADERI,
 VICTOR MANUEL COLINDRES HERNANDEZ, and
 26 SOHA ALJENABI,**

27 defendants herein, did knowingly possess with intent to distribute one kilogram and more of a
 28 mixture or substance containing 3,4-Methylenedioxyprovalerone HCl ("MDPV"), a Schedule I

1 controlled substance, all in violation of Title 21, United States Code, Sections 841(a)(1) and
2 (b)(1)(C); and Title 18, United States Code, Section 2.

3 **COUNT TWO**

4 (Possession with Intent to Distribute a Controlled Substance Analogue)

5 On or about April 12, 2012, in the State and District of Nevada,

6 **HOSAM SAAD AL-BADERI,
VICTOR MANUEL COLINDRES HERNANDEZ, and
SOHA ALJENABI,**

7 defendants herein, did knowingly possess with intent to distribute one kilogram and more of a
8 mixture or substance containing a detectable amount of 1-Pentyl-3-(4-methyl-1-naphthoyl)indole
9 ("JWH-122"), a/k/a "spice," a Schedule I controlled substance analogue as defined in 21 U.S.C.
10 § 802(32)(A) knowing that the substance was intended for human consumption as provided in
11 21 U.S.C. § 813; all in violation of Title 21, United States Code, Sections 802(32)(A), 813, and
12 841(a)(1) and (b)(1)(C); and Title 18, United States Code, Section 2.

13 **COUNT THREE**

14 (Possession with Intent to Distribute a Controlled Substance Analogue)

15 On or about April 12, 2012, in the State and District of Nevada,

16 **HOSAM SAAD AL-BADERI,
VICTOR MANUEL COLINDRES HERNANDEZ, and
SOHA ALJENABI,**

17 defendants herein, did knowingly possess with intent to distribute one kilogram and more of a
18 mixture or substance containing a detectable amount of 5-Fluoro-UR-144; 1-(5-Fluoropentyl)-3-
19 (2,2,3,3-tetramethylcyclopropyl)indole ("XLR-11"), a/k/a "spice", a Schedule I controlled
20 substance analogue as defined in 21 U.S.C. § 802(32)(A), knowing that the substance was
21 intended for human consumption as provided in 21 U.S.C. § 813; all in violation of Title 21,
22 United States Code, Sections 802(32)(A), 813, and 841(a)(1) and (b)(1)(C); and Title 18, United
23 States Code, Section 2.

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COUNT FOUR

On or about April 12, 2012, in the State and District of Nevada,

HOSAM SAAD AL-BADERI,
VICTOR MANUEL COLINDRES HERNANDEZ, and
SOHA ALJENABI,

defendants herein, did knowingly and intentionally use and maintain any place, namely the premises having the address of 6992 Tara Avenue, Las Vegas, Nevada, for the purpose of manufacturing, distributing and using a controlled substance, namely, one kilogram and more of MDPV, a Schedule I controlled substance, and XLR-11, a/k/a "spice," a Schedule I controlled substance analogue as defined in 21 U.S.C. § 802(32)(A), knowing that the substance was intended for human consumption as provided in 21 U.S.C. § 813, and JWH-122, a/k/a "spice," a Schedule I controlled substance analogue as defined in 21 U.S.C. § 802(32)(A), knowing that the substance was intended for human consumption as provided in 21 U.S.C. § 813; all in violation of Title 21, United States Code, Section 856(a)(1); and Title 18, United States Code, Section 2.

COUNT FIVE
(Maintaining a Drug-Involved Premises)

On or about April 12, 2012, in the State and District of Nevada,

HOSAM SAAD AL-BADERI,
VICTOR MANUEL COLINDRES HERNANDEZ, and
SOHA ALJENABI,

defendants herein, did knowingly and intentionally use and maintain any place, namely the premises having the address of 3060 North Nellis Boulevard #10, Las Vegas, Nevada, for the purpose of manufacturing, distributing and using a controlled substance; namely, marijuana, a Schedule I controlled substance, XLR-11, a/k/a "spice," a Schedule I controlled substance analogue as defined in 21 U.S.C. § 802(32)(A), knowing that the substance was intended for human consumption as provided in 21 U.S.C. § 813, and JWH-122, a/k/a "spice," a Schedule I controlled substance analogue as defined in 21 U.S.C. § 802(32)(A), knowing that the substance was intended for human consumption as provided in 21 U.S.C. § 813; all in violation

1 of Title 21, United States Code, Section 856(a)(1); and Title 18, United States Code, Section
2.

3 **COUNT SIX**
4 (Maintaining a Drug-Involved Premises)

5 On or about April 12, 2012, in the State and District of Nevada,

6 **HOSAM SAAD AL-BADERI,
VICTOR MANUEL COLINDRES HERNANDEZ, and
SOHA ALJENABI,**

7 defendants herein, did knowingly and intentionally use and maintain any place, namely the
8 premises having the address of 4300 North Pecos Road, Suite 38, Las Vegas, Nevada, for the
9 purpose of manufacturing, distributing and using a controlled substance; namely, XLR-11, a/k/a
10 "spice," a Schedule I controlled substance analogue as defined in 21 U.S.C. § 802(32)(A),
11 knowing that the substance was intended for human consumption as provided in 21 U.S.C. §
12 813, and JWH-122, a/k/a "spice," a Schedule I controlled substance analogue as defined in 21
13 U.S.C. § 802(32)(A), knowing that the substance was intended for human consumption as
14 provided in 21 U.S.C. § 813; all in violation of Title 21, United States Code, Section 856(a)(1);
15 and Title 18, United States Code, Section 2.

16 **COUNT SEVEN**
17 (Money Laundering)

18 On a date unknown to the grand jury, but not earlier than March 22, 2012 and not
19 later than April 12, 2012, in the State and District of Nevada,

20 **HASSAM SAAD AL-BADERI,
VICTOR MANUEL COLINDRES HERNANDEZ, and
SOHA ALJENABI,**

21 defendants herein, aided and abetted by each other, did knowingly engage and attempt to
22 engage in a monetary transaction affecting interstate commerce in criminal derived property of
23 a value greater than \$10,000, which was derived from specified unlawful activity; namely, the
24 distribution of a controlled substance analogue substance, as defined in 21 U.S.C. § 802(32)(A),
25 knowing that the substance was intended for human consumption as provided in 21 U.S.C. §
26 813; in that defendants solicited and received a check number 1046 dated March 22, 2012,

1 issued by a financial institution in the amount of \$20,800 payable to Coast-to-Coast by Superior
2 Distributors, Inc.; all in violation of Title 18, United States Code, Section 1957; and Title 18,
3 United States Code, Section 2.

4 **COUNT EIGHT**
5 (Structuring)

6 On or about February 28, 2012, in the State and District of Nevada, and elsewhere,

7 **HASSAM SAAD AL-BADERI,
8 VICTOR MANUEL COLINDRES HERNANDEZ, and
SOHA ALJENABI,**

9 defendants herein, did knowingly and for the purpose of evading the reporting requirements of
10 31 U.S.C. § 5313(a), and the regulations promulgated thereunder, did structure and aid and abet
11 in structuring, the following transaction with a financial institution, and did so as part of a pattern
12 of illegal activity involving more than \$100,000 in a 12-month period; to wit: by instructing the
13 purchaser of "spice," a controlled substance analogue as defined above, to transfer into the Chief
14 Smokes LLC's account with a financial institution, number xxx157631, United States currency
15 in an amount less than \$10,000, and by receiving such a deposit in the amount of \$9,000 from
16 that purchaser in said account in the District of Nevada, in and affecting interstate commerce;
17 all in violation of Title 31, United States Code, Section 5324(a)(1); and Title 18, United States
18 Code, Section 2.

19 **COUNT NINE**
20 (Structuring)

21 On or about February 23, 2012, in the State and District of Nevada, and
22 elsewhere,

23 **HASSAM SAAD AL-BADERI,
24 VICTOR MANUEL COLINDRES HERNANDEZ, and
SOHA ALJENABI,**

25 defendants herein, did knowingly and for the purpose of evading the reporting requirements of
26 31 U.S.C. § 5313(a), and the regulations promulgated thereunder, did structure and aid and abet
27 in structuring, the following transaction with a financial institution, and did so as part of a pattern
28 of illegal activity involving more than \$100,000 in a 12-month period; to wit: by instructing the

1 purchaser of "spice," a controlled substance analogue as defined above, to transfer into the Chief
2 Smokes LLC's account with a financial institution, number xxx157631, United States currency
3 in an amount less than \$10,000, and by receiving such a deposit in the amount of \$9,000 from
4 that purchaser in said account in the District of Nevada, in and affecting interstate commerce;
5 all in violation of Title 31, United States Code, Section 5324(a)(1); and Title 18, United States
6 Code, Section 2.

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2 **FORFEITURE ALLEGATION ONE**

3 Upon conviction of one or more of the controlled substance offenses alleged in
4 Counts One to Six of this Indictment, the defendants,

5 **HASSAM SAAD AL-BADERI,
6 VICTOR MANUEL COLINDRES HERNANDEZ, and
SOHA ALJENABI,**

7 shall forfeit to the United States pursuant to 21 U.S.C. § 853, any property constituting, or derived
8 from, proceeds obtained, directly or indirectly, as a result of the said violation[s] and any property
9 used, or intended to be used, in any manner or part, to commit, or to facilitate the commission
10 of the said violation[s], including but not limited to the following:

11 1. CURRENCY

12 United States currency in the collective amount of \$80,944.39 seized on or about April
13 12, 2012, from bank accounts numbered xxx906792, xxx157631, xxx7472176, xxx43339, and
14 xxx1021, pursuant to federal seizure warrants executed on that date which had been duly issued
15 by a Magistrate Judge of United States District Court for the District of Nevada.

16 2. If any of the above-described forfeitable property, as a result of any act or
17 omission of the defendant(s):

- 18 (a) cannot be located upon the exercise of due diligence;
- 19 (b) has been transferred or sold to, or deposited with, a third party;
- 20 (c) has been placed beyond the jurisdiction of the court;
- 21 (d) has been substantially diminished in value; or
- 22 (e) has been commingled with other property which cannot be divided without
difficulty;

23 it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other
25 property of said defendant(s) up to the value of the forfeitable property described above.

26 **FORFEITURE ALLEGATION TWO**

27 Upon conviction of the money laundering offense as alleged in Count Seven of this
28 Indictment, the defendants,

HASSAM SAAD AL-BADERI,
VICTOR MANUEL COLINDRES HERNANDEZ, and
SOHA ALJENABI,

shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(2), any property involved in a transaction or attempted transaction in violation of 18 U.S.C. § 1957, or any property traceable to such property, pursuant to 18 U.S.C. § 982(a)(2).

1. CURRENCY

United States currency in the collective amount of \$80,944.39 seized on or about April 12, 2012, from bank accounts numbered xxx906792, xxx157631, xxx7472176, xxx43339, and xxx1021, pursuant to federal seizure warrants executed on that date which had been duly issued by a Magistrate Judge of United States District Court for the District of Nevada.

2. If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s):

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States to seek forfeiture of any other property of said defendant(s) up to the value of the forfeitable property described above, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1).

FORFEITURE ALLEGATION THREE

Upon conviction of one or more of the structuring offense as alleged in Counts Eight and Nine of this Indictment, the defendants,

HASSAM SAAD AL-BADERI,
VICTOR MANUEL COLINDRES HERNANDEZ, and
SOHA ALJENABI,

1 shall forfeit to the United States pursuant to 31 U.S.C. § 5317(c)(1), any property involved in such
2 offense(s), and any property traceable thereto, including but not limited to the sum of
3 \$80,944.39, seized on or about April 12, 2012, from bank accounts numbered xxx906792,
4 xxx157631, xxx7472176, xxx43339, and xxx1021, pursuant to federal seizure warrants executed
5 on that date which had been duly issued by a Magistrate Judge of United States District Court
6 for the District of Nevada. If any of the above-described forfeitable property, as a result of any
7 act or omission of the defendant(s):

- (a) cannot be located upon the exercise of due diligence;
 - (b) has been transferred or sold to, or deposited with, a third party;
 - (c) has been placed beyond the jurisdiction of the court;
 - (d) has been substantially diminished in value; or
 - (e) has been commingled with other property which cannot be divided without

it is the intent of the United States to seek forfeiture of any other property of said defendant(s) up to the value of the forfeitable property described above pursuant to 21 U.S.C. § 853(p), as incorporated by 31 U.S.C. § 5317(c)(1)(B).

DATED: this 6th day of October, 2012.

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY

DANIEL G. BOGDEN
United States Attorney

JAMES E. KELLER
Assistant United States Attorney